

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARIA FERNANDES-SILVA,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:22-cv-00575-SAB

ORDER DENYING APPLICATION TO
PROCEED *IN FORMA PAUPERIS*
WITHOUT PREJUDICE AND REQUIRING
PLAINTIFF TO FILE LONG FORM
APPLICATION

(ECF No. 2)

TWENTY-ONE DAY DEADLINE

Plaintiff Maria Fernandes-Silva filed a complaint on May 13, 2022, challenging a final decision of the Commissioner of Social Security denying an application for disability benefits. Plaintiff did not pay the filing fee in this action and instead filed an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF No. 2.) However, Plaintiff's application does not currently provide sufficient information for the Court to conclude that they are entitled to proceed in this action without prepayment of fees. Specifically, Plaintiff proffers monthly income of \$1,350.00 per month in private disability payments, or approximately \$16,200 per year. (ECF No. 2 at 1.) Plaintiff proffers \$972 in monthly expenses, and states she has \$20,800.00 in her checking/savings account. (ECF No. 2 at 2.) In assessing whether a certain income level meets the poverty threshold under §1915(a)(1), courts look to the federal poverty guidelines developed each year by the Department of Health and Human Services. See, e.g.,

Boulas v. U.S. Postal Serv., No. 1:18-cv-01163-LJO-BAM, 2018 WL 6615075, at *1 n.1 (E.D. Cal. Nov. 1, 2018). The 2022 federal poverty guideline for a household of one is \$13,590. See 2022 Poverty Guidelines, <https://aspe.hhs.gov/poverty-guidelines> (last visited May 16, 2022). Accordingly, the Court will order Plaintiff to complete and file an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) – AO 239. If Plaintiff is unwilling to complete and submit the long form application, Plaintiff must pay the filing fee in full.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's application to proceed *in forma pauperis* is DENIED without prejudice;
2. The Clerk of the Court is directed to forward an *in forma pauperis* application (Long Form) to Plaintiff;
3. Within **twenty-one (21) days** of the date of this order, Plaintiff shall either (1) pay the \$402.00 filing fee for this action, or (2) file a long form application to proceed *in forma pauperis* without prepayment of the fee; and
4. If Plaintiff fails to comply with this order, this action shall be dismissed.

IT IS SO ORDERED.

Dated: May 16, 2022


UNITED STATES MAGISTRATE JUDGE